

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CHADWICH RENE GORE and SUZANNE
SCHOLTE, *as representatives of the estate of*
Chadwick James Gore,

Plaintiffs,

V.

1:24-CV-615-RP

RAFAEL CRISPIN, JR. and WILLIE HUBERT
WINGFIELD III,

Defendants.

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Defendants' Motion under Rule 12(b) for Intra-District Transfer and Dismissal, (Dkt. 4). (R. & R., Dkt. 12). Plaintiffs timely filed objections to the report and recommendation. (Objs., Dkt. 13).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiffs timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiffs' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 12), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' Motion under Rule 12(b) for Intra-District Transfer and Dismissal, (Dkt. 4), is **GRANTED IN PART AND DENIED IN PART**.

Defendants' Motion to Dismiss under Rule 12(b)(3) is **DENIED**. Defendants' Alternative Motion to Transfer is **GRANTED**. Defendants' remaining arguments in their Motion to Dismiss under Rules 12(b)(1) and 12(b)(6) are left pending for resolution by the transferee court.

IT IS FINALLY ORDERED that this case **is TRANSFERRED** to the Waco Division of the Western District of Texas.

SIGNED on February 5, 2025.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE